

introduce an affidavit from Mr. McCarthy's physician which stated in part:

... Mr. McCarthy has ... a grave condition in any instance (which) by extension can be fatal. ... Assuming that Mr. McCarthy was exposed to a trial of any protracted length ... it is my professional opinion that such an ordeal ... might well result in total future incapacitation or a fatality.

I think the Justice Department, under these circumstances, should be commended rather than condemned for seeking a postponement. To proceed to trial and thus imperil the life of one of the defendants in the case would have been a serious miscarriage of justice. Bear in mind it is estimated by the Government that the trial of this case will be of at least 2 months duration, and defense attorneys contend that it will take longer than 6 months to complete the trial of it.

Another criticism leveled at the Government is that it took advantage of an unusual legal situation in Florida to juggle the trial dates of two cases in which Mr. Hoffa is a defendant, one pending in the Federal court in Tampa and the other in the Federal court in Nashville, Tenn.

A legal problem does exist. It was created by the establishment of a new judicial district in Florida affecting Tampa, the site of the Sun Valley case.

I believe it went into effect on July 30, 1962.

It created a new middle district in Florida which will come into existence on October 29. It will embrace and have jurisdiction over the Tampa area. Therefore, a serious legal question arises as to whether a trial that had started in the present district could be concluded within the territorial jurisdiction of the new district.

It was precisely to avoid such a serious legal question that a conference of Florida judges ordered that trials in Tampa affected by the new district which would not be completed by October 28, be rescheduled. The Sun Valley case involving Mr. Hoffa and Mr. McCarthy was only one of a number of cases so affected.

It should be noted that this determination was made by the courts and not by the Department of Justice.

Again, no criticism with respect to the court situation in Florida is warranted against the Attorney General or the Department of Justice. This is a situation not of their creation but one that is incident to recent legislation enacted by the Congress.

It therefore appears to me that the Department of Justice has proceeded properly, in accordance with necessity of existing conditions and in keeping with traditional justice.

CUBA'S FISHERMEN

Mr. KEATING: Mr. President, this afternoon, the UPI News Service has reported, as follows:

MIAMI.—Premier Fidel Castro today announced that Soviet Russia is building a "fishing port" in Cuba "to facilitate commercial fishery operations of the Soviet fleet in the Atlantic area."

Castro's disclosure was made over Havana Radio in the course of a speech during the signing of a Soviet-Cuban fisheries agreement in the Cuban capital. The ceremony was broadcast by radio and television throughout Cuba.

Castro and Soviet Fisheries Minister A. Ishkov signed the agreement. Castro wore his usual olive drab fatigue uniform. The Soviet delegate, however, was clad in the Cuban "guayabera" or open sports shirt.

Castro said the estimated \$12-million cost of the Russian fishing port would be shared in equal amounts by Russia and Cuba. The signing ceremony took place at the Civic Square headquarters in suburban Havana of the National Agrarian Reform Institute.

The fishing protocol signed today represented a formal extension of the commercial fishing aid the Russians have been giving Castro since earlier this year.

On personal orders of Soviet Premier Nikita Khrushchev, Russia earlier this year dispatched a fleet of six ocean-going fishing trawlers to Cuba to aid in developing that country's commercial potentialities.

The Russians "loaned" the craft to the Castro regime for a year in the course of which time the Cubans were to have the option of returning the trawlers or buying them.

However, today's announcement was the first disclosure that the Russians intended to formally establish a fishing base of operations in the Caribbean area.

It is well known what the Soviet fishing trawlers, as they are called, have been doing and will do. They have been congregating and will congregate around Cape Canaveral with eavesdropping devices. Moreover some Cuban ships are already equipped with short-range 15-mile missiles, which could also have a devastating effect.

I do not wish to be misunderstood. I know of no intention to use such missiles. But missile equipment on one of those Cuban ships could have a devastating effect on any vessel. These so-called fishing trawlers could carry missiles. We now have a Soviet fishing base established. Next there will be a hunting base. Then there will be a duck shooting base. The Russians are always able to find a name for what they do. They are experts at semantics.

But we must look at the facts. The fish that the Russians are trying to catch are human fish throughout the Caribbean and throughout Latin America. If we fall for this new bait, we will be the biggest suckers of all. I hope that we will not merely look the other way and say that the situation is a serious one or that what has happened will further complicate our problem. Initially, we should, in the strongest terms possible, bring the problem to the attention of the Organization of American States. The so-called fishing base in Cuba is a much greater threat to the other countries of this hemisphere than it is to us. We must draw the line somewhere. Where? When are we going to stop allowing further Soviet penetration into this hemisphere?

PATROL VESSELS RETURNED TO CASTRO

Mr. President, that brings me to a somewhat related, though entirely different, subject upon which I intended to speak today. It is my unfortunate

task to announce to the Senate that as a direct result of Department of State policies, an incredible decision has been made. Judge Dyer of the Federal district court in Miami has ordered the release to the Cuban Government of two vessels being held in Key West. Judge Dyer based his decision entirely upon the request of the Department of State for sovereign immunity. The Department of State has maintained that the Castro government must be accorded the rights which "accrue to the government of a sovereign state under international law." In Judge Dyer's view, this policy determination by the Department of State is binding in the Federal courts and as a result, these vessels which can be used for patrolling the Cuban coast and shooting down would-be refugees from Castro's tyranny are to be handed back to Fidel Castro. A 3-day stay order was granted to permit possible appeal to the circuit court of appeals or to the Supreme Court.

Mr. President, like all my colleagues in the Senate I am most vigorously and vehemently opposed to the Soviet shipment of military equipment and other supplies with a military potential to Cuba. I am equally opposed to the leasing or chartering of ships by our NATO allies to assist the Soviets in their unholy task of arming Castro and his cohorts so that they can enforce their will unhindered on the helpless Cuban people. Furthermore, Mr. President, I am even more deeply opposed to the actions that have been taken by the U.S. Government, in the Federal district court in Florida, to send back to the Cuban Government ships or vessels that can be used for military purposes, or to fire upon unarmed refugees trying to escape from Cuba.

Let me make it clear that my criticism is not directed at the Federal judge, who probably had no discretion in this matter, in the light of the position taken by the Department of State.

Mr. President, in view of the national indignation at Soviet shipments and our announced efforts to halt the chartering of NATO ships to the Soviet Union and the authority conveyed in this bill to call up American men into the service, it is in my judgment an incredible act on the part of the State Department to intervene in a Federal court with the express purpose of returning to the Cuban Government vessels that have been used in the past and may well be used in the future to menace Cubans who are seeking their freedom.

The facts are these, Mr. President: In mid-July two 35-foot vessels were seized by Cuban citizens wishing to escape from the tyranny which today grips Cuba. By means of these vessels, several Cubans made their way to the coast of Florida, at which point the vessels were attached by American creditors who had duly obtained judgments in court, for sale at auction by the sheriff of Monroe County, Fla., as compensation. This attachment was confirmed by full legal proceedings in the Florida State courts and sustained on appeal to Florida's highest court. The

date of auction was set for August 27. On August 6 the Government of Cuba made representations, through the Embassy of Czechoslovakia claiming that by virtue of their ownership by the Cuban Government, the vessels were entitled to sovereign immunity from seizure or attachment in the United States. Ten days later, on August 16, the Department of State dispatched a letter to the Attorney General asking that the U.S. attorney in Miami file the necessary papers to force the return of the vessels to the Cuban Government. The speed with which this action was taken to do Castro's bidding is amazing to those of us who are accustomed to wait 2 or even 3 weeks on simple requests for information. Or to those of us who know how many months it took the Government to study the question before ending U.S. trade with Cuba.

Mr. President, I am in the process, in concert with other Members, of drafting a resolution expressing the sense of the Senate—and I may add that the Senate has the constitutional right and duty to give its advice and consent in these matters—expressing the sense of the Senate that these vessels which undoubtedly possess a military potential as far as the Cuban situation is concerned not be returned to the Castro government at this time.

Mr. President, I ask unanimous consent to include in the RECORD, following my remarks, a letter I received from the Department of State which, in my judgment, deserves immediate and complete reconsideration since the policy decision that has apparently been made is, in my judgment, at variance with the view which I believed the Senate endorsed in its near unanimous passage of Senate Resolution 230 last week.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SEPTEMBER 20, 1962.

HON. KENNETH B. KEATING,
U.S. Senate.

DEAR SENATOR KEATING: I want to thank you for your telegram of September 19 on the subject of the disposition of two vessels belonging to the Cuban Government now held in Florida.

This Government recognizes that the Castro government is the governing power in Cuba even though it has no diplomatic relations with that government. It must, therefore, be accorded such rights as "accrue to the government of a sovereign state under international law." It is the U.S. view that the property of the government of a sovereign state is immune from execution under international law. Consequently, upon the request of the Czechoslovak Government, representing Cuban interests in the United States, the Department recognized the immunity from execution of two vessels belonging to the Cuban Government which had been levied on by a judgment creditor of that Government. Accordingly, the Department of Justice was requested to instruct the appropriate U.S. attorney to file a suggestion of immunity with the court in which the action was pending.

While these two boats may possibly be described as having a military potential, they are in fact 35-foot passenger type craft—ill-suited for naval operations.

If I can be of further assistance, please do not hesitate to let me know.

Sincerely,

FREDERICK G. DUTTON.

Mr. KEATING. The Senate did not have before it at that time the fact that our Government was forcing the return to Cuba of two ships which have a military potential, and depriving a U.S. creditor of the right to levy on them. The Members of the Senate did not have these facts before them at the time they passed the joint resolution. In my judgment this action is inconsistent with the position which our Government has already taken.

Mr. KEATING subsequently said: Mr. President, it is my pleasure to announce that I have just received word that the Department of State has agreed to a hearing tomorrow afternoon at the Department of State with regard to the question of returning to the Cuban Government the two vessels now held in Florida, which I discussed earlier today. The purpose of the meeting, which the Department of State arranged, is, I am informed, to present arguments as to why sovereign immunity should not be granted to these vessels formerly owned by the Cuban Government.

I would certainly hope that the State Department would give weight to the spirit and the letter of the resolution passed by the Senate with only one dissenting vote last week, expressing the determination of the United States to work with freedom-loving Cubans for their ultimate self-determination. The fact that this hearing has been granted is an encouraging sign, and I commend the State Department for this action, for I know all Americans will agree that it is foolish in the extreme to send back to Castro, through State Department action in our courts, property which can under any circumstances be used for military purposes.

AN OVERDUE U.S. DEBT TO THE NEW YORK POLICE FORCE

Mr. KEATING. Mr. President, there is a bill affecting New York State pending on the Senate Calendar which deeply concerns me and which I hope will receive action before we adjourn. I refer to H.R. 4441, authorizing the payment of \$1.5 million to the city of New York toward expenses incurred guarding Khrushchev, Castro, Kadar, and the other Communist leaders who attended the 15th annual session of the United Nations General Assembly in 1960.

The measure was reported favorably by the chairman of the Senate Committee on Foreign Relations on July 9, 1962. As the sponsor of a companion bill in the Senate with my colleague, Senator JAVRS, I am firmly convinced that this legislation is meritorious. Presidents Eisenhower and Kennedy have endorsed it. The House passed this bill on April 5, 1962 by a vote of 207 to 152. Failure to act on it would be a distinct slap in the face to the city and State of New York.

It is no understatement to say that these funds are desperately needed. The job of protecting citizens of New York City, as of any other great city in our Nation, is expensive in terms of men and money. No police force, and especially not the New York City force, has

extra money to spend for purposes not directly related to the protection of its citizens.

Just last week a 12-year-old girl was brutally killed in a New York City housing project located in an extremely dangerous area, which the authorities had been requested to guard. Since the manpower was not immediately available, tenants of the project set up a vigilante committee to protect themselves. Here, in the center of the Nation's largest city, it is necessary for citizens to band together as vigilantes because of the position taken by the New York City administration that they cannot spend any more money for police protection. What better proof can this body ask of the need for action on H.R. 4441?

Mr. William Stewart, spokesman for the vigilante force, said that the protective effort had been started because 30 incidents of violence, including muggings and rapes, had occurred in 1 year at this project. More than 80 men volunteered for duty, with two men at a time serving one-hour tours. Despite their efforts, a little girl was murdered in cold blood, and to the best of my knowledge, her killers have not been found.

Incidents like this are all too frequent. A grocer in Brooklyn who had been repeatedly robbed recently wrote to the Mayor demanding more and better police protection. Here is what he said:

Sir, you are my last hope. If I can't get any help from your office, then maybe I will just have to take the advice of some police sergeant who told me to sell the store.

I am not proud of this record. I cite it as evidence of the overriding importance of H.R. 4441. Other cities have the same problem. We read about it all the time right here in Washington, D.C.

In the first 6 months of 1962, crime complaints have risen 8.5 percent in New York City, compared to a national increase of 3 percent. The New York Times, in an editorial published last Friday, pointed with alarm at the inadequacy of the manpower of the New York City police force. I quote:

No matter what are the comparative statistics of police protection here and elsewhere, New York does not have enough policemen to make the public feel safe—on the streets, in the parks, in the subways, at schools, in places of business, or in the fortress of its own homes.

The Times suggested that unless this situation can be remedied, taxes should be increased to pay for needed additional policemen.

H.R. 4441 is not a real solution to these fundamental and long-standing problems. All I intend to show today is that there is no question about the urgent need for these extra funds. Two Presidents, two key congressional committees and the other body have indicated that this money is morally owed to the city of New York for extraordinary and unprecedented precautions to protect the Communist dictators who visited the city in 1960.

The General Assembly meeting of 1960 is now a faded inkblot on the pages of history, as newer developments in the cold war engage our attention. Yet few